

THE HONORABLE JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, on behalf of its
agencies, DEPARTMENT of the NAVY, THE
DEFENSE THREAT REDUCTION AGENCY,
THE UNITED STATES NATIONAL NUCLEAR
SECURITY ADMINISTRATION, and the
FEDERAL BUREAU OF INVESTIGATION,

PLAINTIFFS,

-vs-

KITSAP COUNTY and the KITSAP COUNTY
DEPARTMENT OF EMERGENCY
MANAGEMENT,

DEFENDANTS.

NO. 3:15-cv-05910

DECLARATION OF ALEXIS T.
FOSTER

I declare under penalty of perjury under the laws of the State of Washington that the following
is true and correct:

I, ALEXIS T. FOSTER, am a duly appointed, qualified and acting Deputy Prosecuting
Attorney for Kitsap County and attorney for Kitsap County and Kitsap County Department of
Emergency Management, the Defendants in this matter;

DECLARATION OF ALEXIS T. FOSTER -- 1

TINA R. ROBINSON
Kitsap County Prosecuting Attorney
614 Division Street, MS-35A
Port Orchard, WA 98366-4676
(360) 337-4992 Fax (360) 337-7083
www.kitsapgov.com/pros

2. Attached hereto as “Exhibit A” is a true and correct copy of an email sent on behalf of Kitsap County and the Department of Emergency Management on December 10, 2015 to counsel for Plaintiff, Peter Winn and Kayla Stahman regarding service of process for Kitsap County.

3. Attached hereto as “Exhibit B” are true and correct copies of three cover emails received by Kitsap County as addressed, from counsel for the Plaintiff, on December 14, 2015, as “service” of the pleadings filed with this Court.

EXECUTED this 16th day of December 16, 2015 at Port Orchard, Washington.

EXECUTED this 16th day of December 16, 2015 at Port Orchard, Washington.

/s/Alexis T. Foster

ALEXIS T. FOSTER
WSBA No. 37032
Deputy Prosecuting Attorney
Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on December 16, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Peter A. Winn
U.S. Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Phone: (206) 553-4985
Email: Peter.Winn@usdoj.gov

Kayla Stahman
U.S. Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Phone: (206) 553-7970
Email: kayla.stahman@usdoj.gov

EXECUTED this 16th day of December, 2015 at Port Orchard, Washington.


Tracey Hamilton-Oril, Legal Assistant
Kitsap County Prosecutor's Office
614 Division Street, MS 35-A
Port Orchard, WA 98366
360-307-4271
thamilto@co.kitsap.wa.us

Exhibit A

Alexis Foster

From: Alexis Foster
Sent: Thursday, December 10, 2015 2:49 PM
To: Winn, Peter (USAWAW) (Peter.Winn@usdoj.gov); Stahman, Kayla (USAWAW) (Kayla.Stahman@usdoj.gov)
Cc: Shelley E. Kneip; Tracey L. Hamilton-Oril; Laurie Hughes
Subject: Service of Process for Kitsap County

Dear Peter,

As per our telephone conversation yesterday afternoon, and assuming that Kitsap County is the named respondent in the action, original service of process needs to be made via personal service to the county auditor as provided for in FRCP 4(j) and RCW 4.28.080(1).

With that being said, our office is willing to agree to enter into a reciprocal electronic service agreement for service of any subsequent pleadings/documents pursuant to FRCP 5(b)(2)(e), Western District LCR 5, and subject to the following parameters:

- 1) Electronic service of any documents in excess of 50 pages will be followed by delivery of a hard copy of the documents;
- 2) Email service to Kitsap County will be delivered to each of these email addresses: Afoster@co.kitsap.wa.us, SKneip@co.kitsap.wa.us, thamilto@co.kitsap.wa.us, lhughes@co.kitsap.wa.us; and
- 3) Because our office is closed at 4:30 p.m., M-F, any service by email after 4:30 p.m. will be deemed received the following business day.

Please let us know if you are willing to agree to these conditions.

Best,
Alexis

Alexis T. Foster, Deputy Prosecuting Attorney
Office of the Kitsap County Prosecuting Attorney, Civil Division
614 Division Street, MS-35A
Port Orchard, WA 98366-4676
(360) 337-4910 (direct)
(360) 337-7083 (FAX)
afoster@co.kitsap.wa.us

Confidentiality Notice: This email may contain legally privileged confidential information. The email and the information it contains are solely for the use of the addressee(s) named above. If you are not the intended recipient, any disclosure, copying, distribution or other use is strictly prohibited. If you have received this email in error, please notify us by return email and delete it from your computer. Thank you

Exhibit B

Alexis Foster

From: Winn, Peter (USAWAW) <Peter.Winn@usdoj.gov>
Sent: Monday, December 14, 2015 9:29 PM
To: Alexis Foster
Cc: Shelley E. Kneip; Tracey L. Hamilton-Oril; Laurie Hughes; Stahman, Kayla (USAWAW)
Subject: United States, et al. v. Kitsap County, et. al., 3:15-cv-05910
Attachments: Motion for TRO.pdf; Proposed Order.pdf; Complaint as filed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alexis and Shelley,

Enclosed please find a copy of the filed Complaint and our TRO Motion and Proposed Order in the above referenced case.

Peter

Peter A. Winn
Assistant U.S. Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Office (206) 553-4985
Cell (206) 713-9277

Alexis Foster

From: Winn, Peter (USAWAW) <Peter.Winn@usdoj.gov>
Sent: Monday, December 14, 2015 9:31 PM
To: Alexis Foster
Cc: Shelley E. Kneip; Tracey L. Hamilton-Oril; Laurie Hughes; Stahman, Kayla (USAWAW)
Subject: RE: United States, et al. v. Kitsap County, et. al., 3:15-cv-05910
Attachments: Hilton Declaration.pdf; Hilton Ex 1.pdf; Hilton Ex 2.pdf; Hilton Ex 3.pdf; Hilton Ex 4.pdf; Hilton Ex 5.pdf; Hilton Ex 6.pdf; Hilton Ex 7.pdf; Hilton Ex 8.pdf; Hilton Ex 9.pdf; Hilton Ex 10.pdf; Hilton Ex 11.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alexis and Shelley,

Enclosed please find a copy of the filed Declaration of Donna Hilton with 11 Exhibits.

Peter

Peter A. Winn
Assistant U.S. Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Office (206) 553-4985
Cell (206) 713-9277

Alexis Foster

From: Winn, Peter (USAWAW) <Peter.Winn@usdoj.gov>
Sent: Monday, December 14, 2015 9:35 PM
To: Alexis Foster
Cc: Shelley E. Kneip; Tracey L. Hamilton-Oril; Laurie Hughes; Stahman, Kayla (USAWAW)
Subject: RE: United States, et al. v. Kitsap County, et. al., 3:15-cv-05910
Attachments: Armstrong Declaration.pdf; Exhibit 1 to Armstrong Declaration.pdf; Exhibit 1 to Harris Declaration.pdf; Harris Declaration.pdf; Aragon Declaration.pdf; Perren Declaration.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alexis and Shelley,

Enclosed please find a copy of the filed Declarations with one exhibit each for Armstrong and Harris, and the Declarations of Aragon and Perren.

Peter

Peter A. Winn
Assistant U.S. Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Office (206) 553-4985
Cell (206) 713-9277